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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JCS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHANE C. BUCZEK,)
)
Defendant.)
)
)
)

CRIMINAL NO. **3 08 70132**

NOTICE OF PROCEEDINGS ON
OUT-OF-DISTRICT CRIMINAL
CHARGES PURSUANT TO RULES
5(c)(2) AND (3) OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal
Procedure that on March 6, 2008, the above-named defendant was arrested based upon an arrest
warrant issued upon an

☒ Indictment

☐ Information

☐ Criminal Complaint

☐ Other (describe) _____

pending in the Western District of New York, Criminal Case Number 08 CR 054.

1 In that case, the defendant is charged with violations of Title 18 United States Code, Sections
2 1001(a)(2) (false statements); 1542 (false statements with respect to a passport); and 1028
3 (possession false identification document).

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6 Respectfully Submitted,

7 JOSEPH P. RUSSONIELLO
8 UNITED STATES ATTORNEY

9 Date: March 7, 2008

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11 ADAM REEVES
12 Assistant U.S. Attorney
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IN THE DISTRICT COURT OF THE UNITED STATES

For the Western District of New York

MAY 2007 GRAND JURY
(Empaneled 05/04/07)

THE UNITED STATES OF AMERICA

-VS-

INDICTMENT

08-CR-

SHANE C. BUCZEK

Violation:

08 CR 054 (6)

ORIGINAL
RECEIVED AND FILED
UNITED STATES DISTRICT COURT CLERK
WESTERN DISTRICT OF NEW YORK

Title 18, United States Code,
Sections 1001(a)(2), 1542 and
1028(a)(4)

MAR 04 2008

BY: 

INTRODUCTION

THE GRAND JURY CHARGES:

1. AT all times material to this indictment, the State Department was an agency within the Executive branch of the government of the United States charged with, among other things, processing applications for and issuing United States Passports.

2. Certain employees of the United States Postal Service were designated as "authorized acceptance agents" with authority to accept for the Department of State United States Passport form DS-

11 (Series 09-2005) (hereinafter "Passport Application") from United States citizens applying for a United States Passports.

3. The defendant, SHANE C. BUCZEK, was a citizen of the United States, and resided in the Western District of New York, specifically at 7335 Derby Road, Derby, New York.

4. The defendant, SHANE C. BUCZEK, was in both actual and constructive possession of United States Passport 103233184, which the State Department issued to him on or about July 30, 1999.

COUNT ONE

THE GRAND JURY FURTHER CHARGES:

1. THAT the INTRODUCTION to this indictment is incorporated herein by reference and re-alleged as if fully set forth in this count.

2. THAT, on or about December 20, 2006, in the Western District of New York, in a matter within the jurisdiction of the State Department, the defendant, SHANE C. BUCZEK, unlawfully, willfully, and knowingly made materially false, fictitious and fraudulent statements and representations.

COUNT TWO

THE GRAND JURY FURTHER CHARGES:

1. THAT the INTRODUCTION to this indictment is incorporated herein by reference and realleged as if fully set forth in this count.

2. THAT, on or about December 20, 2006, in the Western District New York, the defendant, SHANE C. BUCZEK, in the ersatz passport application more fully described in Count One, which description is incorporated herein and re-alleged, unlawfully, willfully and knowingly made false statements with intent to induce the issuance of a passport under the authority of the United States for his own use contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to said laws.

THAT IS TO SAY, on or about December 20, 2006, the defendant submitted what appeared to be a genuine passport application to an authorized acceptance agent at the United States Post Office in Lackawanna, New York, which application contained the following false statements:

a. That the defendant's "Permanent Address or Residence" was 3135 South Federal Highway, Del Ray (sic), Florida, 33483, which in truth and in fact and as the defendant well knew was the address of Postal Store Plus, a commercial establishment offering post office boxes to the public for rent and, when in truth and in fact, and as the defendant also well knew, his "Permanent Address or Residence" was 7335 Derby Road, Derby, New York; and

b. That the status of [his] recent passport was "other, lost at sea," when in truth and in fact, and as the defendant then and there well knew, he had been issued a passport (#103233184) in 1999, that said passport was not, and had never been, "lost at sea," and he had both actual and constructive possession of passport #103233184.

ALL in violation of Section 1542 of Title 18 of the United States Code.

COUNT THREE

The Grand Jury Further Charges:

1. THAT beginning on an unknown date, but sometime prior to December 26, 2005, and continuing to the date of the filing of this indictment, in the Western District New York and elsewhere, the defendant, SHANE C. BUCZEK, unlawfully and knowingly possessed a false identification document, as defined in subsection (d)(4) of Section 1028 of Title 18 of the United States Code, with intent that such document be used to defraud the United States.

2. THAT IS TO SAY, during the aforesaid period, the defendant possessed a false identification document which appeared to be issued by the United States, to wit: a "United States of America Head of State - Diplomat Card," in the name of Shane-Christopher Buczek, Apostille Number 05-03248, and did use said identification document to attempt to obtain a valid United States Passport from United States Department of State

ALL in violation of Section 1028(a)(4), 1028(c)(1) and 1028
(b)(2) of Title 18 of the United States Code.

DATED: Buffalo, New York, March 4, 2008.

TERRANCE P. FLYNN
United States Attorney

By:

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A TRUE BILL:

FOREPERSON